

**SEC. 8. NATIVE WORKING GROUP.**

(a) *IN GENERAL.*—The Secretary shall convene a Native working group consisting of not fewer than 12 representatives of Indian Tribes and Native Hawaiian organizations with relevant expertise, who shall be nominated by Indian Tribes and Native Hawaiian organizations, to advise the Federal Government in accordance with this section.

(b) *RECOMMENDATIONS.*—The Native working group convened under subsection (a) may provide recommendations regarding—

(1) the voluntary return of tangible cultural heritage by collectors, dealers, and other individuals and non-Federal organizations that hold such tangible cultural heritage; and

(2) the elimination of illegal commerce of cultural items and archaeological resources in the United States and foreign markets.

(c) *REQUESTS.*—The Native working group convened under subsection (a) may make formal requests to initiate certain agency actions, including requests that—

(1) the Department of Justice initiate judicial proceedings domestically or abroad to aid in the repatriation cultural items and archaeological resources; and

(2) the Department of State initiate dialogue through diplomatic channels to aid in that repatriation.

(d) *AGENCY AND COMMITTEE ASSISTANCE.*—

(1) *IN GENERAL.*—On request by the Native working group convened under subsection (a), the agencies and committees described in paragraph (2) shall make efforts to provide information and assistance to the Native working group.

(2) *DESCRIPTION OF AGENCIES AND COMMITTEES.*—The agencies and committees referred to in paragraph (1) are the following:

(A) The Department of the Interior.

(B) The Department of Justice.

(C) The Department of Homeland Security.

(D) The Department of State.

(E) The review committee established under section 8(a) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006(a)).

(F) The Cultural Heritage Coordinating Committee established pursuant to section 2 of the Protect and Preserve International Cultural Property Act (Public Law 114–151; 19 U.S.C. 2601 note).

(G) Any other relevant Federal agency, committee, or working group.

(e) *APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.*—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Native working group convened under subsection (a).

**SEC. 9. TREATMENT UNDER FREEDOM OF INFORMATION ACT.**

(a) *IN GENERAL.*—Except as provided in subsection (c), the following information shall be exempt from disclosure under section 552 of title 5, United States Code:

(1) Information that a representative of an Indian Tribe or Native Hawaiian organization—

(A) submits to a Federal agency pursuant to this Act or an amendment made by this Act; and

(B) designates as sensitive or private according to Native American custom, law, culture, or religion.

(2) Information that any person submits to a Federal agency pursuant to this Act or an amendment made by this Act that relates to an item for which an export certification is denied under this Act.

(b) *APPLICABILITY.*—For purposes of subsection (a), this Act shall be considered a statute described in section 552(b)(3)(B) of title 5, United States Code.

(c) *EXCEPTION.*—An Indian Tribe or Native Hawaiian organization may request and shall receive its own information, as described in subsection (a), from the Federal agency to which the Indian Tribe or Native Hawaiian organization submitted the information.

**SEC. 10. REGULATIONS.**

(a) *IN GENERAL.*—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of State, the

Secretary of Homeland Security, and the Attorney General, and after consultation with Indian Tribes and Native Hawaiian organizations, shall promulgate rules and regulations to carry out this Act.

(b) *INCLUSION.*—The regulations promulgated by the Secretary pursuant to subsection (a) shall include a reasonable deadline by which the Secretary shall approve or deny an export certification application under section 5(b).

**SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this Act \$3,000,000 for each of fiscal years 2021 through 2026.

Mr. HEINRICH. I further ask unanimous consent that the Heinrich amendment to the committed-reported substitute amendment at the desk be considered and agreed to and that the committee-reported substitute amendment, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2712) was agreed to as follows

(Purpose: To modify certain penalties)

On page 28, strike lines 15 through 23 and insert the following:

**SEC. 4. ENHANCED NAGPRA PENALTIES.**

Section 1170 of title 18, United States Code, is amended—

(1) by striking “5 years” each place it appears and inserting “10 years”; and

(2) in subsection (a), by striking “12 months” and inserting “1 year and 1 day”.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HEINRICH. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass, as amended?

The bill (S. 2165), as amended, was passed.

(The bill (S. 2165), as amended, is printed in the Record of January 22, 2021.)

Mr. HEINRICH. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

**INDIAN COMMUNITY ECONOMIC ENHANCEMENT ACT OF 2020**

Mr. HEINRICH. Mr. President, as if in legislative session, I ask that the Chair lay before the Senate the message to accompany S. 212.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 212) entitled “An Act to amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000, the Buy Indian Act, and the Native American Programs Act of 1974 to provide industry and economic development opportunities to Indian communities.”, do pass with an amendment.

**MOTION TO CONCUR**

Mr. HEINRICH. I move to concur in the House amendment, and I know of no further debate on the motion.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the motion.

The motion was agreed to.

Mr. HEINRICH. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINRICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

**LEGISLATIVE SESSION****MORNING BUSINESS**

Mr. BRAUN. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered

**BICENTENNIAL OF LYNNVILLE, KENTUCKY**

Mr. McCONNELL. Mr. President, over the course of this year, dedicated citizens in a small Jackson Purchase community have poured through their hometown's historical record. The bicentennial of Lynnville, KY, was coming, and they wanted to celebrate every detail. Today, it is my privilege to join these passionate Kentuckians in marking 200 years of Bluegrass history and heritage.

Lynnville is no ordinary town. Near the Tennessee border in Graves County, this agricultural community has survived all-consuming fires, devastating tornadoes, and even the Black Patch Tobacco War. Through perseverance and grit, Lynnville has certainly earned its nickname “The Little Town That Won't Die.”

For 200 years, stalwart Kentuckians have overcome challenges, come together to rebuild, and made Lynnville a wonderful place to live. I am proud of their resilient spirit, and I look forward to this community's bright future.

Unfortunately, the ongoing coronavirus pandemic canceled some aspects of Lynnville's bicentennial celebrations, but the Kentucky Historical Society joined the festivities with a special commemoration. They delivered a new historical marker to Lynnville to detail this community's rich heritage. It is a well-deserved tribute. I am grateful to everyone who made the historical marker and this